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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent application of

Mark Alperovich et al.

Serial No. 09/530,114 National Phase of PCT/US98/23625

Filed: April 25, 2000

For: FLUORESCENT COMPOSITION FOR

THE MANUFACTURE OF CD-ROM TYPE OPTICAL MEMORY DISKS



Atty. Dkt. No.: 109289.00138

HC:DJF:

DECLARATION OF ALEXANDER LIBIN

Assistant Commissioner of Patents **Box PCT** Washington, D.C. 20231

Sir:

In support of the Petition under 37 C.F.R. §1.47(a) filed in the above-captioned application, I, Dr. Alexander Libin, hereby declare as follows:

- 1. I am President of OMD Ltd.
- 2. Full copies of the specification of the above-captioned patent application, with the Declaration and Power of Attorney and Assignment for execution by Dr. Glushko and Dr. Krupkin, were sent by registered mail to Dr. Glushko and Dr. Krupkin for execution. Copies of the cover letters are attached hereto as Exhibit A and Exhibit B. Copies of the registered mail receipts are attached hereto as Exhibit C and Exhibit D, in which the handwritten portion shows the name and address of Dr. Glushko in Exhibit C and of Dr. Krupkin in Exhibit D, and in which the date stamp shows a date of receipt of May 8, 2000, in the Israeli postal service.
- 3. Additional full copies of the specification of the above-captioned patent application, with the Declaration and Power of Attorney and Assignment for execution by Dr. Glushko and Dr. Krupkin, were sent by mail hand delivery to Dr. Glushko and Dr. Krupkin for execution. Copies of the cover letters are attached hereto as Exhibit E and Exhibit F. Copies of the confirmation of delivery to Dr. Glushko and to Dr. Krupkin are

attached hereto as Exhibit G and Exhibit H, showing hand delivery to both recipients on June 16, 2000, and bearing Dr. Glushko's signature and Dr. Krupkin's signature, respectively.

- 4. On each of Exhibits G and H, the numbered portions have the following significance:
 - 1. "Confirmation of delivery inside Israel"
 - 2. "Attached to the mail delivery for:"
 - 3. Name and address of the addressee, namely, "Dr. B. Glushko, 19/6 Rotshild Str., Ashdod" on Exhibit G and "Dr. V. Krupkin, 5/27 Reuven & Batsheva Str., Rishon Le-Zion 75357" on Exhibit H
 - 4. "I, [name of mail carrier], declare that I visited the address of the addressee on [date indicated], at [time indicated]." In Exhibit G, the date and time are June 16, 2000, at 11:00 a.m. In Exhibit H, the date is June 16, 2000, but the mail carrier left the time blank.
 - 5. "Particulars of the visit"
 - 6. "Particulars of the delivery"
 - 7. "To the hands of the addressee" This box is checked on both of Exhibits G and H.
 - 8. "Receiver"
 - 9. Name
 - 10. Signature (however, on Exhibit H, Dr. Krupkin has signed in the space provided for the recipient's name, indicated as 9).
 - 11. "Postman"
 - 12. Name
 - 13. Signature
 - 14. Date
- 5. On July 2, 2000, at around 1:30 p.m., I met Dr. Glushko in the premises of the Tel Aviv Labor Court. Dr. Glushko asked me not to send him powers of attorney or other documents for his signature in connection with patent applications, since he would never agree to sign such documents for any patent applications filed on behalf of OMD Ltd., Tri

D Store Inc., Tri D Store Ltd., OMD Devices LLC or any oth r company affiliated with Constellation 3D, Inc.

Dr. Krupkin has refused to sign at least four applications for companies affiliated with Constellation 3D, Inc. Thus, his consistent conduct constitutes a refusal to sign.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of any application with which this Declaration is concerned or any patent issued thereon.

Respectfully submitted

BY:

Dr. Alexander Libin

Date: 0.9.2000

101

OMD LTD, Prof. Bergman Str. 2. Science Park Rabin, Rehovot, 76327, Israel.

Tel: 972-8936-6417: Fax: 972-8936-6419



OMD Optical Memory **Devices LTD**

Registered

May 5, 2000

Dr. B. Glushko, 19/6 Rotshild Str. Ashdod, Israel

> Re: US National Phase of PCT Patent ApplicationNo.PCT/US98/23625; For Fluorescent Composition for... Memory discs" In the name of TriD Store IP L.L.C.

Dear Dr. Glushko,

Please find enclosed Declaration/Power Of Attorney and Assignment forms for abovementioned Patent Application filed in regard to your service inventions. Kindly have the originals of the documents signed and return me as soon as possible so as to proceed further with filing them in the Patent Office.

Sincerely,

Encl.

Exhibit A

0505BGI

ST AVAILABLE COP

10%

OMD Optical Memory Devices LTD

Registered

May 5, 2000

Dr. Vladimir Krupkin, 5/27 Reuven&Batsheva Str. Rishon Le-Zion, 75357

OMD LTD, Prof. Bergman Str. 2,

972-8936-6417; Fax: 972-89,36-6419

Science Park Rabin, Rehovot, 76327, Israel.

> Re: US National Phase of PCT Patent ApplicationNo.PCT/US98/23625: For Fluorescent Composition for... Memory dises" In the name of TriD Store IP L.L.C.

Dear Dr. Krupkin,

Please find enclosed Declaration/Power Of Attorney and Assignment forms for abovementioned Patent Application filed in regard to invention created in accordance with your contracting obligations towards OMD Ltd.

Kindly have the originals of the documents signed and return me as soon as possible so as to proceed further with filing them in the Patent Office.

Sincerely,

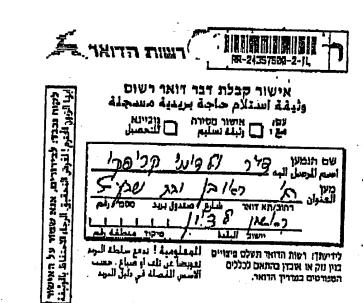
Dr. A. Libin, CEO

Encl.

Exhibit B

0505VKr

BEST AVAILABLE COI



アビニス いっしょう אישור קבלת דבר דואר רשום وثيقة استألام حاجة بريدية مسجلة עם: אושור מסירה שם חנמען اسم الرسل פתוביחא דושי アカムト المعلومية إندفع سلطة النريد יידיערןי רשות הדואר תשרם פישיים בוץ יוק או שכון בההאם יכדלים השפורינים בסרריך הדואר

Exhibit C

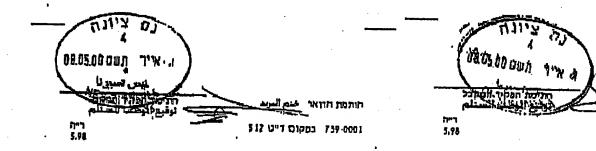


Exhibit D

BEST AVAILABLE COPY

חותמה הרואר <u>אם לצוב</u> בפסס-199 כמקום דייט 135

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OMD LTD, Prof. Bergman Str. 2, Science Park Rabin, Rehovot, 76327, Israel. Tel: 972-8936-6417;



OMD Optical Memory Devices LTD

Registered + Hand Delivery

June 11, 2000

Dr. B. Glushko, 19/6 Rotshild Str. Ashdod, Israel

Fat: 977-8936-6419

Re: US National Phase of PCT Patent Application No.PCT/US98/23625:

For "Fluorescent Composition for... Memory discs"

In the name of TriD Store IP L.L.C.

Our Ref.: 101

Dear Dr. Glushko,

Please find enclosed copy of specification and drawings, Declaration/Power Of Attorney and Assignment forms for abovementioned Patent Application filed in regard to your service inventions.

Please note, that this application (PCT/US98/23625) was published and is public domain. Free of charge through IBM or European Patent Office Internet sites.

Kindly have the originals of the forms signed and return me as soon as possible so as to proceed further with filing them in the Patent Office.

Sincerely,

Dr. A. Libin, CEO

0611101BGI

Exhibit E

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OMD LTD, Prof. Bergman Str. 2. Science Park Rabin, Rehovot, 76327, Israel. Tel: 972-8936-6417;



OMD
Optical Memory
Devices LTD

Registered + Hand Delivery

June 11, 2000

Dr. Vladimir Krupkin, 5/27 Reuven&Batsheva Str. Rishon Le-Zion, 75357

Fax: 972-8936-6419

Re: US National Phase of PCT Patent ApplicationNo.PCT/US98/23625; For "Fluorescent Composition for... Memory discs". In the name of TriD Store IP L.L.C.
Our ref.: 101

Dear Dr. Krupkin,

Please find enclosed copy of specification and figures,
Declaration/Power Of Attorney and Assignment forms for
abovementioned Patent Application filed in regard to invention
created in accordance with your contracting obligations towards
ONID Ltd.

Please note, that this application was published and is public domain, free of charge through 113M or European Patent Office Internet sites. Kindly have the originals of the forms signed and return me as soon as possible so as to proceed further with filing them in the Patent Office.

Sincerely,

Dr. A. Libin, CEO

Encl.

Exhibit F

0611101VKr

Exhibit G



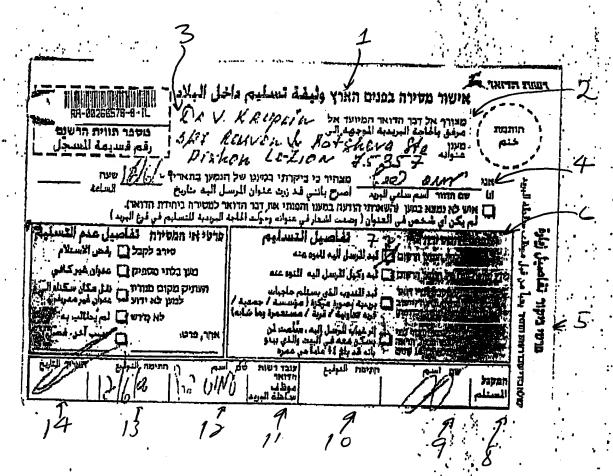


Exhibit H